

# After disgraced former Judge Casey Moreland's arrest, leaders call for court improvements

Stacey Barchenger, USA TODAY NETWORK – Tennessee Published 1:05 p.m. CT April 14, 2017 | Updated 6:27 p.m. CT April 14, 2017



## Story Highlights

- Casey Moreland resigned as General Sessions judge on April 4 while the subject of an FBI probe.
- City officials are now calling for an expanded review of how his court interacted with a nonprofit.
- And they say there should be better tracking of when cases move between the 11 General Sessions judges.
- The Tennessean found examples of Moreland's continued influence even after he should have recused himself.

Former Judge Casey Moreland's fingerprints are on several cases even after he should have recused himself because of conflicts of interest during his time on the bench.

Documents suggest Moreland had continued control in those cases, and that may be a symptom of a larger problem. Some city officials and a judicial conduct expert say a lack of case file tracking in the city's 11 General Sessions courts makes it harder to spot inappropriate influence.

EXHIBIT 1

Moreland's courtroom conduct is the subject of an FBI probe, and last month he was charged with a trio of federal crimes alleging obstruction of justice. He resigned his post on the bench, which he has held since 1998, amid the ongoing investigation.

City officials, including Vice Mayor David Briley, are calling for more oversight of when and how cases are moved between judges. Today, there's no official documentation to show when a case is transferred.

In one example, when Moreland's future son-in-law, Chris Plattenburg, was charged with driving under the influence in 2015, records show the case landed in Moreland's court.

There's no documentation of Moreland recusing himself and ordering the case transferred to another judge.



Nashville Judge Casey Moreland was booked into the Grayson County, Ky., jail on March 28, 2017. (Photo: Grayson County (Ky.) Detention Center)

But records show General Sessions Judge Aaron Holt signed off on the plea deal and Judge Gale Robinson declared Plattenburg indigent. That means he didn't have to pay some court fines, even though probation records show he was working more than 60 hours a week as a radiology technician.

There is a document that Moreland later waived Plattenburg's 10-day jail sentence. Experts have said that action is a violation of judicial ethics rules.

## Scope of audit

Concerns flared during a Tuesday meeting of the Metro Nashville Audit Committee. The group called for city auditors to scour how General Sessions cases are managed and tracked, as well as the financials of Moreland's prized programs: General Sessions drug court, a treatment-focused program, and Cherished HEARTS, a human trafficking intervention program.

The vice mayor at the meeting raised concern about a dearth of paperwork or other tracking that shows when a case moves from one judge to another.

"It seems pretty clear to me that we're not as a community taking advantage of all the technology that would be available to us to keep track of that," Briley said.

"The mechanics of that seem at best antiquated," he said. "It leads to situations where it would seem to me that if a judge was going to recuse themselves from a particular case, there ought to be a clear record that happened."

The audit expands on a request for a financial review previously made by Robinson, who took over Moreland's specialty court programs.

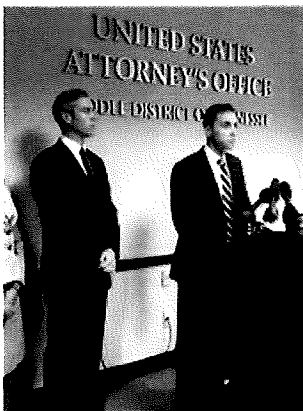
It will also focus on how the drug court program and the Davidson County Drug Court Foundation, a nonprofit that provides funding for the drug court and trafficking intervention programs, are staffed. The nonprofit is being audited by the state.

The foundation was started by Bryan Lewis, a lawyer and longtime friend of Moreland's. Lewis, who until this year was the president of the nonprofit, was publicly disciplined in March by the state board that oversees lawyers for his outside-of-court influence on Moreland.

► **Related: Judge Casey Moreland disciplined by state judicial board**

Late last year, a Metro finance report called into question thousands of dollars of personal expenses put on city credit cards by drug court staff related to a conference in California. Finance department records questioned \$300 in PayPal transactions, and two dinners during the trip of more than \$350 each. The Drug Court Foundation repaid the city \$3,009 in November, records show.

Nan Casey, director of a program affiliated with the foundation, until recently had an office in the courthouse. Warner Hassell, the General Sessions court administrator, said Tuesday that is no longer the case.



The U.S. Attorney's Office, Middle District of Tennessee, discusses the charges against Judge Casey Moreland on March 28, 2017. Moreland later resigned; however, city officials continue scrutinizing cases in his court. (Photo: Shelley Mays / File / USA Today Network - Tennessee)

Metro Councilman Bob Mendes, a member of the audit committee, said he was concerned about a fuzzy understanding — even among public officials — of the distinctions between Moreland's programs and the foundation when it comes to staffing and money. He said those present at the Tuesday meeting, including Metro's finance director, council members and the General Sessions court administrator, did not have answers.

"Together those people didn't understand what the relationship was," he said.

"The audit committee should be asking these questions."

## **'Appearance of a conflict'**

Nashville's 11 General Sessions courts handled more than 215,000 civil, criminal and traffic cases in 2015. Such cases are how most Nashvillians come into contact with the criminal justice system. Often the criminal case files include just a few pieces of paper: the warrant that starts the case and the disposition form that resolves it.

The Tennessean reviewed nearly 100 of those files assigned to Moreland's courtroom in which Moreland's son, a defense lawyer, represented clients. In the majority of those cases, other judges handled the outcomes, a review of documents shows, though there's no record of an official transfer.

In two cases, Moreland's signature is on disposition forms. Those cases include: retiring charges against a woman who formerly participated in Moreland's human trafficking intervention court and dismissing charges against Anthony M. Morris, a former Tennessee State football player and NFL draft pick.

Jay Moreland, the former judge's son, said he had not handled cases before his father and did not know why his father's signature was on those documents. Jay Moreland said Morris' case was resolved as part of a plea agreement before Judge Robinson.

A judicial conduct expert questioned why Casey Moreland would dismiss charges in a plea agreement heard by another jurist.

"If a case is transferred, it should go where it's transferred and the judge who accepts it should take any necessary action," said David Cook, a Memphis lawyer and former member of the Tennessee board that oversees judicial conduct. "Just the appearance of the judge signing off on court papers in his son's case isn't right.

"It could just be a bureaucratic mix-up, but it certainly has every appearance of a conflict and does not inspire confidence in the judicial system."

In 13 instances, Moreland's name is on paperwork ordering probation terms for the defendants represented by his son.

Hassell explained that even when judges removed themselves from cases, the original judge's probation officers were still assigned to supervise the defendant. The probation officer is tasked with making sure defendants comply with terms of their probation and have discretion to pursue violations.

Hassell said that is why Moreland's signature would appear on the probation documents. However, probation supervisors were not aware of the court's process and it has been changed.

"The Probation Department management was unaware at the time that this was going on," Hassell said in an email. "Since March 9, 2017, the Probation Department has changed the procedure for managing the probation supervision terms of a recusal case. Such probation

terms are now managed by the probation officers assigned to the specific judge that adjudicated the case."

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*Reach Stacey Barchenger at [sbarchenger@tennessean.com](mailto:sbarchenger@tennessean.com) or 615-726-8968 and on Twitter [@sbarchenger](https://twitter.com/sbarchenger).*